

A. G. Contract No. KR99-1092TRN
ADOT ECS File No.: JPA 99-72
Project: US 60, East and West Bound
Intersecting Litchfield Road

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SURPRISE

THIS AGREEMENT is entered into 29 September 1999, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SURPRISE, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The City desires a new warranted traffic signal at US 60 East and West bound, intersecting Litchfield Road, at an estimated cost of \$150,000.00, for the safety and benefit of the motoring public, hereinafter referred to as the Project. The purpose of this agreement is to define each parties responsibilities for the funding, design, construction, operation and maintenance.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO 23588
Filed with the Secretary of State
Date Filed: 09/29/99

Betsy Bayless
Secretary of State

By Dicky V. Greenwald

II. SCOPE OF WORK

1. The City will.

a. Provide to City standards design plans, specifications and such other documents and services required for construction bidding and construction of the signal Project. Incorporate State review comments.

b. Call for bids and award one or more construction contracts for the signal Project. Administer same and make all payments to the contractor(s). Confer with the State on any Project related contract modifications.

c. Be responsible for all costs associated with the design and construction of the Project, at an estimated cost of \$150,000.00, including revised signing and striping and provide disabled ramps at the intersection to comply with the American Disability Acts (ADA).

d. Upon completion of the Project provide electrical energy to operate the signal, and provide maintenance to the signal.

2. The State will:

a. Review the Project design documents and provide comments.

b. Issue the City a permit for the Project construction.

c. Upon completion, approve and accept the signal Project on behalf of the parties hereto.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Surprise
City Manager
12425 W. Bell Road
Surprise, AZ 85374


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

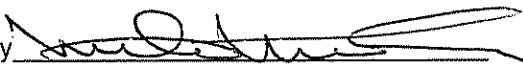
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SURPRISE

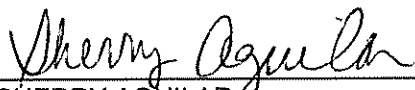
STATE OF ARIZONA

Department of Transportation

By 
RICHARD McCOMB
City Manager

By 
MICHAEL P. MANTHEY
State Traffic Engineer

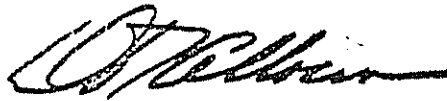
ATTEST

By 
SHERRY AGUILAR
City Clerk

RESOLUTION

BE IT RESOLVED on this 10th day of May 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Surprise for the purpose of defining responsibilities for the funding, design, construction and maintenance of traffic signals located on US 60 , East and West bound, intersecting Litchfield Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

RESOLUTION NO. 99-60

A RESOLUTION AUTHORIZING ENTRY INTO TWO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AT THE INTERSECTIONS OF GRAND AVENUE AND LITCHFIELD ROAD AND GRAND AVENUE AND TOWN CENTER DRIVE

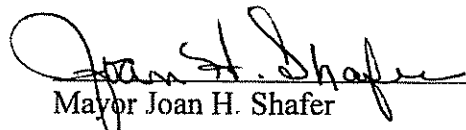
WHEREAS, the City of Surprise and the State of Arizona wish to enter into two Intergovernmental Agreements for the construction of traffic signals at the intersections of Grand Avenue and Litchfield Road and Grand Avenue and Town Center Drive, and;

WHEREAS, the City is authorized by ARS §48-572 to enter into such agreements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, approving entry into two Intergovernmental Agreements with the State of Arizona, numbered specifically JPA 99-70 and JPA 99-72, for the construction of traffic signals at the intersections of Grand Avenue and Litchfield Road and Grand Avenue and Town Center Drive.

BE IT FURTHER RESOLVED, directing the City Manager to execute the agreement for and on behalf of the City.

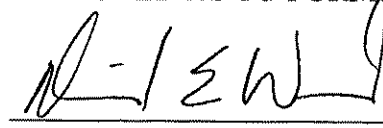
PASSED AND ADOPTED by the Mayor and City Council of the City of Surprise, this 24th day of June, 1999.


Mayor Joan H. Shafer

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

APPROVAL OF THE CITY OF SURPRISE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SURPRISE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 17TH day of June, 1999.

AL-EWI

City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-1092TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 23, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/89628

Enc.